

IN THE CLAIMS:

Please cancel claims 38-44 without prejudice.

Please amend claim 5 as follows:

Q1 5. (Amended) The method according to claim 4 wherein the source of undifferentiated ES cells is selected from the group consisting of an embryo, a blastocyst, and a culture of undifferentiated orientated stem cells.

REMARKS

In the Office Action dated October 3, 2002, the Examiner has set forth a requirement for restriction under 35 U.S.C. §121, alleging that the subject matter defined by the claims of the present invention represents the following four separate and distinct inventions:

- Group I. Claims 1, 2, 3, 13, 15, 24 and 25-29, drawn to a preparation of undifferentiated embryonic stem cells and methods of culturing, classified in class 435, subclass 1.1 and class 435, subclass 325.
- Group II. Claims 4-12, 14, 16-23, 24 and 29, drawn to a progenitor cell and methods of preparing a progenitor cell, classified in class 435, subclass 1.1 and class 435, subclass 325.
- Group III. Claims 30-35, drawn to a preparation of somatic cells and a method of producing a somatic cell from an embryonic stem cell, classified in class 435, subclass 1.1 and class 435, subclass 325.
- Group IV. Claims 36 and 37, drawn to a insulin or insulin analogue induced factor, unclassifiable because the nature of the analogue is not clearly set forth in the claim.

The Examiner contends that the inventions are distinct, each from the other. In the first instance, the Examiner contends that Groups I-III are unrelated. The Examiner contends that the ES cells of Group I, the progenitor cells of Group II and the somatic cells of Group III are products which are materially different. The Examiner also contends that the methods of Group I for preparing the ES cells, the methods of Group II for preparing progenitor cells, and